

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION

STEVEN KIEWIET,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:16-cv-04039-SLD-JEH
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	

ORDER

This is an appeal from a final decision of the Commissioner of Social Security (“the Commissioner”). Before the Court are Plaintiff Steven Kiewiet’s motion for summary judgment, ECF No. 9, the Commissioner’s motion for summary affirmance, ECF No. 13, and the Magistrate Judge’s Report and Recommendation recommending that the motion for summary affirmance be granted and the motion for summary judgment denied, ECF No. 15. For the following reasons, the Report and Recommendation is ADOPTED, the motion for summary affirmance GRANTED, and the motion for summary judgment DENIED.

The Court may accept, reject, or modify (in whole or in part) the findings or recommendations of the Magistrate Judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review de novo the portions of the report to which objections are made. *Id.* In making this determination, the Court must look to all of the evidence contained in the record and “give fresh consideration to those issues to which specific objections have been made.” *Rajaratnam v. Moyer*, 47 F.3d 922, 924 n.8 (7th Cir. 1995) (internal quotation marks

omitted). It must review the other portions of the report for clear error. *See Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Magistrate Judge’s role was to determine whether the decision of the Administrative Law Judge (“ALJ”) was supported by substantial evidence. “Substantial evidence” is defined as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Skinner v. Astrue*, 478 F.3d 836, 841 (7th Cir. 2007). “The ALJ is not required to address every piece of evidence or testimony presented, but must provide a ‘logical bridge’ between the evidence and the conclusions” *Jones v. Astrue*, 623 F.3d 1155, 1160 (7th Cir. 2010). This Court may not reweigh evidence, decide questions of credibility, or substitute its judgment for that of the ALJ. *See Young v. Barnhart*, 362 F.3d 995, 1001 (7th Cir. 2004).

Kiewiet filed an application for disability insurance benefits on May 1, 2012. Report and Recommendation (hereafter “R&R”) 1. After his claim was denied and denied upon reconsideration, he requested and received a hearing before an Administrative Law Judge (“ALJ”), who concluded that he was not disabled. *Id.* at 1–2. The Appeals Council denied Kiewiet’s request for review, making the ALJ’s decision the final decision of the Commissioner. *Id.* at 2. Kiewiet filed suit in this Court on February 24, 2016. After the parties filed their motions, the Magistrate Judge prepared a report and recommendation addressing Kiewiet’s arguments that (I) the ALJ’s finding that he could do his past work was unsupported by evidence, R&R 7–11, and (II) the ALJ’s finding that he could do light work was unsupported by evidence, *id.* at 11–12. The Magistrate Judge found that the ALJ’s determinations on both counts were supported by substantial evidence, and recommends that the Court grant the Commissioner’s motion for summary affirmance of the Commissioner’s determination. *Id.* at 12–13. No objections were filed.

The Court finds that the ALJ's Report and Recommendation does not contain clear error. *See Zema*, 170 F.3d at 739. Having reviewed and considered the Report and Recommendation, together with the entire record, the Court concurs with the recommendation of the Magistrate Judge for the reasons set forth in his Report and Recommendation. The Court also determines that no further proceeding is necessary.

Accordingly, the Report and Recommendation of the Magistrate Judge, ECF No. 15, is ADOPTED. Plaintiff's Motion for Summary Judgment, ECF No. 9, is DENIED, and Defendant's Motion for Summary Affirmance, ECF No. 13, is GRANTED. The Clerk is directed to enter judgment, closing the case.

Entered this 28th day of September, 2017.

s/ Sara Darrow

SARA DARROW
UNITED STATES DISTRICT JUDGE